

is chilling: In this country, African Americans are incarcerated at approximately six times the rate of Caucasians.

The Fair Sentencing Act dramatically reduced the 100-to-1 disparity. Last November, the Sentencing Commission issued amended sentencing guidelines that put into effect the Fair Sentencing Act's reduced crack sentences. These guidelines will be used by Federal judges across the country in every drug sentencing.

The Commission is now deciding whether to apply these more equitable guidelines retroactively to those who have already been sentenced and are in prison. I sent a letter, joined by Judiciary Committee Chairman PATRICK LEAHY, and Senators FRANKEN and COONS, urging the Commission to vote for retroactivity.

Let's be clear about the bottom line: If the Commission does not make its amendment retroactive, thousands of people will continue to serve prison sentences that Congress has determined are unfair and disproportionately punitive to African Americans. Thousands of individuals sentenced before November 1 could receive significantly reduced prison terms—even if they engaged in exactly the same conduct.

This is inconsistent with the goals of the Fair Sentencing Act—reducing disparities in drug sentencing, increasing trust in the justice system, and focusing limited resources on serious offenders. In effect, it would say: “The U.S. government is OK with you continuing to serve a sentence we’ve acknowledged is unfair—and most unfair to those with your color of skin.”

Now, opponents of retroactivity have made all sorts of arguments in an effort to muddy the water and push their own conservative sentencing agenda. They have suggested that because the Fair Sentencing Act did not explicitly address retroactivity, the sentencing guidelines shouldn't be retroactive. This is an obvious attempt to confuse apples and oranges.

To be clear: We are not talking about whether the statute itself—the Fair Sentencing Act—should be applied retroactively. That is a different question for a different day—and one that affects many more issues and many more inmates. We are talking about the Sentencing Commission exercising its own independent, expert authority to make its own guideline amendments retroactive.

Opponents of retroactivity also claim that the Sentencing Commission is overstepping its bounds by considering retroactivity. But this is the standard administrative process, and one that Congress designed to be left to the Sentencing Commission. The Commission has routinely applied its amendments retroactively—many, many times be-

fore. And it has voted for retroactivity virtually every time it has amended the guidelines to reduce drug sentences. In fact, Congress expressly gave the Commission the authority to make amendments to the sentencing guidelines apply retroactively.

Retroactivity makes practical and economic sense. Our Federal prison system is 37 percent over capacity. Inmates are being double and even triple bunked. Applying the Fair Sentencing Act guideline amendment retroactively could reduce prison overcrowding dramatically and result in up to \$1 billion in savings for taxpayers. Approximately 12,000 individuals—who are prescreened by judges—would be eligible for an average sentence reduction of 37 months. The average cost to house a Federal prisoner is \$28,284 per year. Taxpayer savings would be about \$87,000 for each inmate.

History also tells us retroactivity makes sense. In 2007, the Commission made retroactive a similar amendment to reduce crack sentences. Thousands more defendants were eligible then for reductions than would be eligible now. Yet motions for reduced sentences were handled smoothly.

The Department of Justice supports guideline retroactivity and the Bureau of Prisons has implemented a plan to carry out the logistics. The Criminal Law Committee of the Judicial Conference of the United States, comprised of judges from every Federal circuit, unequivocally supports retroactivity.

Opponents simply ignore the history and have used scare tactics to raise misleading questions of public safety. Retroactivity does not automatically entitle a defendant to a sentence reduction. A Federal judge would have discretion to decide in every single case whether a reduction is appropriate. If it is not—because of the facts of a case or concerns about an individual defendant—no reduction will be given. Period. All judges are actually required to consider public safety when making a decision. Moreover, on the back end, the Bureau of Prisons has said that it “is prepared to take measures to ensure that offenders released due to retroactive application . . . are transitioned effectively back into the community.”

In short the Sentencing Commission should use the expert discretion Congress granted it to apply its amendment retroactively to each defendant subject to a sentencing scheme Congress determined was unjust. I hope the Commission does the right thing and applies retroactively the sentencing guideline amendment implementing the Fair Sentencing Act.

Retroactivity would bolster respect for our justice system, help correct the unfairness of a racially disparate sentencing scheme, and save resources for taxpayers while heeding concerns of public safety.

REMEMBERING TRACY T. “TOM” ARFLIN

Mr. McCONNELL. Mr. President, I rise today to note the loss of an honored and distinguished Kentuckian. Mr. Tracy T. Arflin of Radcliff, KY, passed away this June 18. He was 74 years old.

Mr. Arflin went by “Tom,” but was also known to generations of Radcliff-area youth as “Coach.” Tom Arflin dedicated the last 32 years of his life to volunteering on behalf of youth sports in his hometown. He was the manager of the Rangers in the Radcliff Baseball/Softball Association, and coached two teams, the Eagles and the Jaguars, in the North Hardin Youth Football League. He had both a football and a baseball field named after him, and was the North Hardin Youth Football League president for the past 21 years.

Mr. Arflin's job as coach included the roles of mentor, leader, and league developer. He not only inspired many kids who may not have thought they were cut out for sports to stick with it, he also encouraged many parents to volunteer their time as coaches. Some of them are still at it even after their children have grown out of youth league play because of Tom Arflin's example.

Tom Arflin was also a U.S. Army veteran who proudly served for 27 years, including two tours in Vietnam. For the past 42 years he was a member of Mill Creek Baptist Church in Radcliff.

This May Tom was diagnosed with brain cancer and underwent radiation treatments. A few weeks before his passing, Tom's son Tracy T. Arflin II organized a grand community celebration for his father, and more than 100 family members, friends, and former and current coaches and players gathered to honor Tom Arflin for his many decades of service.

Tom was preceded in death by his wife of 49 years, Louise C. Arflin, and by his sister, Anna. Surviving members of his family who are mourning Tom's loss include his son and daughter-in-law, Tracy T. Arflin II and Sharon; his grandson, Matthew T. Arflin; his sister, Lucy Webb; and his brother, Billy Arflin. I wish to express my deepest condolences to the family and friends of Tracy T. “Tom” Arflin for the loss of this wonderful man.

Mr. President, the Hardin County News-Enterprise recently published an article about Tom Arflin and the community celebration thrown in his honor. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed, as follows:

[From the News-Enterprise, June 5, 2011]
YOUTH SPORTS: ARFLIN RECEIVES COMMUNITY CELEBRATION

(By John Groth)

Tracy Arflin wanted to give his father, Tom, one more major recognition.

His dad has spent decades building up the North Hardin Youth Football League. And now as his father's coaching career winds down, he wanted to hold a special community celebration.

"We're celebrating a lifetime of him serving several generations of children, not just serving a community, which could be argued, but serving several generations of children," Tracy Arflin said. "I like to think of my father like that."

That's why around 100 family members, friends, current and former NHYFL coaches, players and officials gathered Sunday at Mill Creek Baptist Church in Radcliff to honor Tom Arflin for more than three decades of service.

In May, Tom Arflin was diagnosed with brain cancer and has undergone radiation treatments.

They made sure the Jaguars coach felt right at home—with Jaguars items and colors everywhere. Each table was covered in a teal tablecloth with a Jaguar youth helmet, with a white pom-pom attached to each facemask, smack dab in the middle.

Tom Arflin has spent 32 years helping develop the NHYFL. He's coached in the league since 1980 and served as its president since 1991. Arflin's grandson, Matt, remembers playing football for him years ago, and the 26-year-old remains amazed at how much the league has grown with his grandfather at the helm.

"It's kind of like the Madden video game where you create your own league. He kind of did that," Matt Arflin said.

Two weeks ago, Tracy stopped by to talk to Tom after a NHYFL meeting. That's when he told his father about the reception.

"I had tears in my eyes. That surprised me," Tom Arflin said. "He announced it after the meeting. I thought he was going to say something about the reason why he was there. It came out different."

The celebration ended up being special.

Radcliff Mayor J.J. Duvall grew up playing youth sports in Radcliff. He knows how much of a fixture Tom Arflin, who still is referred to as just "Coach," has become in the community. And he knows his dedication is unmatched.

"We're here to honor Coach's attention to detail, sense of humor, the smiles he brings to others, and the overall caring he has for kids and our youth," Duvall said. "He set the bar very high."

Trying to come up with a gift to honor him with was just as tough.

Tom Arflin already has two fields—the NHYFL and Radcliff Senior League Field—named in his honor. He has football memorabilia galore. So Duvall picked out another unique item—an engraved Louisville Slugger baseball bat. Tom Arflin actually began working with Radcliff youth in 1979 when he took over the Rangers' team in the Radcliff Major League.

"The Louisville Slugger is an icon, and you're an icon of the community," Duvall said.

Arflin influenced coaches as much as he did the players.

Just ask Vine Grove resident Travis McNair.

McNair has been with the NHYFL since 2008. He originally only intended to have his son, Tavius, sign up to play. But Tom Arflin convinced him to coach.

"He said we always need coaches. Now I am and I'm addicted to it," McNair said. "He said, 'We need coaches and people out to help.'"

McNair has coached his son on the Rams each of the past three years. This year, Tavius will enter high school at North Hardin. But McNair will still lead the Rams because he's having so much fun.

So is Isaac Bankhead.

The Radcliff resident will coach his third team—the newly formed Chiefs—in nine seasons. He coached the Vikings for the first two years and the Titans, too.

Bankhead's children, 12-year-old Isaiah and 10-year-old Jeremiah, have each played for the past seven years. And Tom Arflin helped him get into coaching.

"He's good-hearted, tries to make sure every kid in the league has an opportunity to play. He tells us how to deal with parents and what to do to help the league run better," Bankhead said. "He's been an inspiration. He's been a good guy. You can't help but to like him."

Former players agreed.

One of those players Tom Arflin influenced is Jeremy Brown.

The 17-year-old North Hardin senior wide receiver shared his unique experience on how Arflin helped him develop foot coordination.

"I didn't want to do football. My parents kind of forced me into it. I remember the first day of practice and they got out the tires for a tire drill. I stepped up, and I was like, 'I really didn't want to do it,' and I went through and hit every single tire. As I went and got done, Coach was like, 'Dadgumit, Jeremy! Dadgumit!' It went on like that for about a week," Brown said. "That was in the back of my mind. I did it perfect a week later. Since then, any type of drill I have that involves my feet, I don't mess up."

VOTE EXPLANATION

Mr. PRYOR. Mr. President, unfortunately, I was absent for vote No. 98, a motion to instruct the Sergeant at Arms to request the attendance of absent Senators. Had I been present for the vote, I would have cast a vote in favor of the motion.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOHN C. JOHNSON

Mr. BENNET. Mr. President, today we honor the life and heroic sacrifice of PFC John C. Johnson of Phoenix, AZ. He died on May 27, 2011, in Bayman Province, Afghanistan, of injuries sustained when his mounted patrol received small arms fire. He was 28 years old. Private Johnson and his wife Jennifer were expecting a baby daughter at the time of his death.

Private Johnson's parents remember him as a honest, affectionate son, and his wife remembers him as a dedicated husband and loving father. Growing up in Arizona's rugged landscape, he developed hunting and tracking skills that would later contribute to his resourcefulness as a soldier. Private Johnson enlisted in the Army in February 2010, commenting that he was committed to providing a better life for his family.

He served in support of Operation Enduring Freedom as a member of C Company, 1st Battalion, 32nd Infantry Regiment, 10th Mountain Division, based at Fort Drum, NY. His bravery and outstanding service quickly won the recognition of his commanders. Private Johnson earned, among other distinctions, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, and the NATO Medal.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die

at any time." Private Johnson's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

I stand with people in Colorado and nationwide in profound gratitude for Private Johnson's tremendous sacrifice. At substantial personal risk, he fought in Afghanistan with unwavering courage to protect America's citizens and the freedoms we hold dear. For his service and the lives he touched, Private Johnson will forever be remembered as one of our country's bravest.

I ask my colleagues to join me in honoring Vicki, his mother, John, his father, Jennifer, his wife, and his entire family, who carry on Private Johnson's memory and will forever remind us of his sacrifice.

SERGEANT WILLIAM STEELE

Mr. KIRK. Mr. President, I rise today to honor a Freedom Fighter from Chicago, IL, an American Hero, SGT William Steele.

He is a man who proudly went off to war for his country. On June 25, 2009, William lost his leg and almost his life after an IED explosion in Maili, Afghanistan.

Sergeant Steele returned home an even stronger soldier, determined to continue to fulfill his dream with an Army career as a drill sergeant. And with the support of his mother, who at the age of 17 signed the papers so he could enlist in the Army, he will.

One of his favorite quotes from his mother that has inspired him is, "There is no sense of looking down, hold your head up!" Sergeant Steele has done just that, making us all proud of him.

Mr. President, I ask unanimous consent that this poem penned in honor of him by Albert Caswell, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLD STEELE

IN HONOR OF A REAL AMERICAN HERO, SGT WILLIAM STEELE UNITED STATES ARMY, HHC 1-17TH INFANTRY REGIMENT

Cold Steele!

What is right, what is real!

What is strong, all in what a most courageous heart reveals!

While, all upon battlefields of honor bright . . . all in these killing fields . . .

Dark days and nights . . .

As from down within, as how a heart so reaches deep down to begin . . .

To begin this fight, whether on battlefields of honor bright . . . or in a hospital to unite . . .

Because, only with a most courageous heart of Steele . . . will we so win that night!

As all in time revealed . . .

When, courage crests . . . as one of America's Finest, The Army's Best . . .

For only there, in these the darkest days of all nights . . .

As only there, all in life and death . . . all in this fight!

Will hearts of strength and Steele, so crest . . . to reveal to bring their light!

Your medal, of what you are made . . . so very real!